

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GO GREEN REALTY CORP., GCP WEST :
REALTY CORP., GCP EAST REALTY :
CORP., GCP 188TH REALTY CORP., :
MD SOUTH REALTY CORP. and : Case No. 11-CV-5360 (DCF)
MD NORTH REALTY CORP., :
: Plaintiffs, :
: :
: -- against -- :
LIBERTY PETROLUEM REALTY, LLC :
EAST RIVER PETROLEUM REALTY, LLC, :
and CAPITOL PETROLEUM GROUP, LLC, :
: Defendants. :
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LIBERTY PETROLUEM REALTY, LLC :
EAST RIVER PETROLEUM REALTY, LLC, :
and CAPITOL PETROLEUM GROUP, LLC, :
: Counterclaimants, :
: :
GO GREEN REALTY CORP., GCP WEST :
REALTY CORP., GCP EAST REALTY :
CORP., GCP 188TH REALTY CORP., :
MD SOUTH REALTY CORP., MD NORTH :
REALTY CORP., THEODOROS ZORBAS :
and SPIRO TRIANTAFILIS, :
: Counterclaim-Defendants. :
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PLEASE TAKE NOTICE, that plaintiffs Go Green Realty Corp., GCP West Realty Corp., GCP East Realty Corp., GCP 188th Realty Corp., MD South Realty Corp. and MD North Realty Corp. hereby appeal to the United States Circuit of Appeals for the Second Circuit, from a final judgment dismissing plaintiffs' affirmative claims pursuant to Rule 56 of the Federal Rules of Civil Procedure, dated March 31, 2015 and entered pursuant to a Memorandum and Order issued by the Honorable Debra C. Freeman, U.S. Magistrate-Judge, dated March 30, 2015.

Plaintiffs appeal from those parts of the foregoing Judgment and Decision which:

- (i) summarily dismissed plaintiff's cause of action for violation of Section 2-305(2) of the Uniform Commercial Code as enacted in New York State; on the grounds that the District Court ignored genuine, triable issues of material fact and misapplied relevant judicial precedent; and
- (ii) summarily dismissed plaintiff's cause of action for violation of the covenant of good faith and fair dealing implied in every contract under New York State common law, on the grounds that the District Court misapplied relevant precedent and ignored genuine, triable issues of material fact.

Dated: Carle Place, NY
April 24, 2015

STEVEN COHN, P.C.

Attorneys for plaintiffs Go Green Realty Corp.,
GCP West Realty Corp., GCP East Realty Corp.,
GCP 188th Realty Corp., MD South Realty Corp.
and MD North Realty Corp.

By: /s/ Jeffrey H. Weinberger
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